

ASSEMBLY BILL

No. 2748

Introduced by Assembly Member Bates

February 25, 2000

An act to amend Sections 69.6 and 69.8 of the Harbors and Navigation Code, and to repeal Section 3 of Chapter 798 of the Statutes of 1999, relating to coastal resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2748, as introduced, Bates. Public beach restoration.

Existing law establishes the California Public Beach Restoration Program, administered by the Department of Boating and Waterways for specified public beach enhancement purposes, including the funding of nonfederal project costs for restoration, nourishment, or enhancement of public beaches with placement of sand on the beach or in the nearshore.

This bill would require the cost of feasibility studies and other studies conducted for the purpose of developing a strategy for the implementation of a cost-effective engineered replacement of sand on the beach or in the nearshore environment to be included in the calculation of construction and restoration costs for the purposes of funding under these provisions. The bill also would specify that priority funding shall be provided by the department to maximize the use of federal funds that may be provided for coastal projects.

Existing law requires the department and the State Coastal Conservancy to jointly prepare and submit to the Legislature, not later than January 1, 2002, a report detailing the restoration, nourishment, and enhancement activities undertaken through the program, evaluating the need for public beach restoration projects, the effectiveness of the program in addressing that need, and ways to increase natural sediment.

This bill would extend the date the report is due to January 1, 2003.

The bill would appropriate \$35,000,000 from the General Fund to the Department of Boating and Waterways for purposes of the California Public Beach Restoration Act, no more than 5% of which may be expended for administrative costs.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 69.6 of the Harbors and
- 2 Navigation Code is amended to read:
- 3 69.6. (a) The California Public Beach Restoration
- 4 Program is hereby established, to be administered by the
- 5 department for all of the following purposes:
- 6 (1) The restoration, enhancement, and nourishment
- 7 of public beaches, as determined to be necessary by the
- 8 department, through the cost-effective engineered
- 9 placement of sand on the beach or in the nearshore
- 10 environment.
- 11 (2) The planning, design, and permitting of the beach
- 12 restoration, nourishment, or enhancement projects
- 13 specified in paragraph (1), which shall not exceed 15
- 14 percent of the total project cost.
- 15 (3) The preparation of studies to inventory,
- 16 characterize, and assess the physical and biological
- 17 resources of the ocean, and nearshore, shoreline, and
- 18 inland areas that are determined by the department to be
- 19 necessary to construct the projects specified in paragraph
- 20 (1) that are environmentally and economically sound.



1 The cost of the studies shall not exceed 5 percent of the
2 annual program funding.

3 (4) The funding of 100 percent of the nonfederal
4 project construction cost for restoration, nourishment, or
5 enhancement of coastal state parks and state beaches
6 with placement of sand on the beach or in the nearshore.
7 *The cost of feasibility studies and other studies conducted*
8 *for the purpose of developing a strategy for the*
9 *implementation of a cost-effective engineered*
10 *replacement of sand on the beach or in the nearshore*
11 *environment shall be included in the calculation of*
12 *construction costs for the purposes of funding under this*
13 *paragraph.*

14 (5) The funding of 85 percent of the nonfederal
15 project cost for restoration, nourishment, or
16 enhancement of nonstate public beaches with placement
17 of sand on the beach or in the nearshore, with a 15 percent
18 match from the local sponsors, provided as funds or
19 in-kind services. *The cost of feasibility studies and other*
20 *studies conducted for the purpose of developing a*
21 *strategy for the implementation of a cost-effective*
22 *engineered replacement of sand on the beach or in the*
23 *nearshore environment shall be included in the*
24 *calculation of restoration costs for the purposes of funding*
25 *under this paragraph.*

26 (6) The active pursuit and promotion of federal and
27 local partnerships to cost-share beach restoration,
28 nourishment, or enhancement projects specified in
29 paragraph (1) that have significant state benefits.

30 (7) *Notwithstanding any other provision of this act,*
31 *priority funding shall be provided by the department to*
32 *maximize the use of federal funds that may be provided*
33 *for coastal projects, including projects described under*
34 *paragraphs (1), (2), and (3).*

35 (b) Prior to funding any project under this section, the
36 department shall develop guidelines that include
37 application requirements and criteria for evaluating a
38 project. The guidelines shall be consistent with the
39 Resources Agency's policies for shoreline erosion
40 protection. Only beaches that are in public ownership

1 and that are open and accessible to the public are eligible
2 for funding under this section.

3 SEC. 2. Section 69.8 of the Harbors and Navigation
4 Code is amended to read:

5 69.8. ~~Notwithstanding Section 7550.5 of the~~
6 ~~Government Code, the~~ The department, and the State
7 Coastal Conservancy, not later than January 1, 2002 2003,
8 shall jointly prepare and submit to the Legislature a
9 report that does all of the following:

10 (a) Details the restoration, nourishment, and
11 enhancement activities undertaken through this
12 program.

13 (b) Discusses and evaluates the need for continued
14 public beach restoration projects.

15 (c) Reports on the effectiveness of the program in
16 addressing that need.

17 (d) Discusses ways to increase natural sediment
18 supply in order to decrease the need to nourish the state's
19 beaches, including, but not limited to, an analysis of
20 specific locations where structures might be removed or
21 modified.

22 SEC. 3. Section 3 of Chapter 798 of the Statutes of 1999
23 is repealed.

24 ~~SEC. 3. This act shall become operative only to the~~
25 ~~extent that funds are appropriated in the annual Budget~~
26 ~~Act for the purposes of this act.~~

27 SEC. 4. The sum of thirty-five million dollars
28 (\$35,000,000) is hereby appropriated from the General
29 Fund to the Department of Boating and Waterways for
30 purposes of the California Public Beach Restoration Act
31 (Article 2.8 (commencing with Section 69.5) of Chapter
32 2 of Division 1 of the Harbors and Navigation Code), no
33 more than 5 percent of which may be expended for
34 administrative costs.